

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 23780 of 1999

DATED:23-08-2005

Between:

Gottumukkala Appala Raju, S/o. Venkatapathi Raju.
C/o. T.Venkateswara Rao, Secretary, Staff and Workers Union, R/o. Govada,
Chodavaram Mandal,
Visakhapatnam.

..... PETITIONER

AND

- 1 The Managing Director,
Chodavaram Co-operative Sugars Limited, Govada, Chodavaram Mandal,
Visakhapatnam.
- 2 Industrial Tribunal-cum-Labour Court,
Visakhapatnam.

.....RESPONDENT(S)

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.NO.23780 OF 1999

ORDER:

This writ petition is filed by the workman. He raised a dispute under Section 2 A (2) of the Industrial Disputes Act(in short 'the Act') after about six months of his retirement from service, claiming that his age as on the date of joining into the service was 25 years and not 29 years as was recorded in the service register. Before the Labour Court, the respondents have filed a detailed counter denying the allegations made by the workman and it was asserted that the certified standing orders are applicable to all the workmen. The petitioner joined in the respondent organization on 27-12-1963 as Seasonal Worker and subsequently made permanent with effect from 31-3-1997. As he attained the age of superannuation of 60 years, he was made to retire from service. The workman did not produce any certificate in proof of his age or date of birth, when he was referred to the Medical

Officer, who examined him and certified that he was 29 years as on 9-3-1966. The same date of birth has been shown in all the records maintained by the respondent organization. He belatedly in the year 1996 submitted an application (26-9-1996) to correct his date of birth and his application was rejected. Thereafter, he kept quiet for some time. However, the workman was made to retire on 31-1-1997 (on attainment of superannuation and completion of seasonal work). The Labour Court after detailed consideration of both oral and documentary evidence came to the conclusion that even prior to filing of the petition under Section 2A(2) of the Act or at least when the management issued final order about his superannuation, he did not submit any representation. Therefore, the claim of the workman was found to be stale and unreasonable. I am of the opinion that the Labour Court has not committed any error in coming to such conclusion. Admittedly the petitioner did not raise any dispute before his retirement. Further, the present dispute is raised six months after retirement. In fact, it is not within the scope of the Labour Court to decide as to the date of birth or age of the workman in the absence of any undisputed evidence. The writ petition is speculative and imaginary in its nature and devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

C.V.RAMULU,J

23-08-2005

Stp